

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BENTON W. MILLER,

Plaintiff,

vs.

UNION PACIFIC RAILROAD COMPANY, a
Delaware corporation; ABDIKADIR
MOHAMED, ABDINASIR DIRIE, and SWIFT
TRANSPORTATION CO. OF ARIZONA,
LLC, a Delaware limited liability company;

Defendants.

8:18-CV-568

ORDER

UNION PACIFIC RAILROAD COMPANY, a
Delaware corporation,

Cross-Claimant,

vs.

ABDIKADIR MOHAMED, ABDINASIR
DIRIE, and SWIFT TRANSPORTATION CO.
OF ARIZONA, LLC, a Delaware limited
liability company;

Cross-Defendants.

Defendant Union Pacific Railroad Company (“Union Pacific”) filed a Motion to Dismiss ([Filing 85](#)) co-defendant Swift Transportation Company of Arizona, LLC’s (“Swift”) cross-complaint ([Filing 67](#)). Swift opposed Union Pacific’s motion to dismiss ([Filing 100](#)) and filed a motion for leave to amend its cross-complaint. ([Filing 101](#)). The Parties have agreed upon an order to be entered by the Court and that agreement is as follows:

- 1) Swift is granted 14 days from the date of this order to amend its cross-complaint. As part of any amendment of its cross-complaint, Swift shall plead the total amount of the loss, the amount claimed to be owed by the insured, the amount of any payments by Swift for the alleged loss of the lading or any other damage and the alleged value of the trailer. Swift

shall further plead and delineate the party seeking the alleged damage and the legal theory or theories upon which recovery is being sought; and

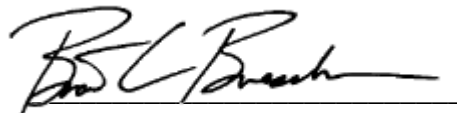
- 2) Union Pacific's Motion to Dismiss ([Filing 85](#)) is denied, without prejudice to refiling.

IT IS ORDERED:

- 1) Swift is granted 14 days from the date of this order to amend its cross-complaint. As part of any amendment of its cross-complaint, Swift shall plead the total amount of the loss, the amount claimed to be owed by the insured, the amount of any payments by Swift for the alleged loss of the lading or any other damage and the alleged value of the trailer. Swift shall further plead and delineate the party seeking the alleged damage and the legal theory or theories upon which recovery is being sought; and
- 2) Union Pacific's Motion to Dismiss ([Filing 85](#)) is denied, without prejudice to refiling.

Dated this 2nd day of March, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge